

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-469

August 3, 2004

BRUNSWICK & TOPSHAM WATER DISTRICT
Application for Approval of Issue
Of Securities (§ 902)(\$1,832,600 and \$125,000)

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

On July 15, 2004 the Brunswick & Topsham Water District (the District) filed with the Commission its application for authority to issue its bonds in sums not to exceed \$1,832,600 and \$125,000 through the Maine Municipal Bond Bank, at annual rates not to exceed 7.5 percent and 5.0 percent, respectively. The debts will be paid over terms not to exceed 20 years.

The District requires the proceeds of the \$1,832,600 bond to finance the design, construction and installation of a new 3 million gallon prestressed concrete storage tank, including a new control building with telemetry and altitude valves, security fences, access road improvements, the demolition of the existing 2.5 million gallon storage tank off Oak Street in Topsham and to fund a reserve fund in an amount not to exceed \$183,260.

The District requires the proceeds of the \$125,000 to fund a debt service reserve fund for the District's previously authorized \$1,100,000 Bonds (Docket No. 2003-592), the proceeds of which were or will be used to pay the costs to develop additional groundwater supplies to provide redundant capacity for its Jackson Station well and one or more replacement wells for its two Taylor Station wells. Tasks required to complete the work include 2 1/2 inch test well exploration tests, 8 inch test well construction and long-term pumping tests, production well design and construction, and pumping and treatment facility design and construction.

35-A MRSA §6102, Filing with the commission plans for construction or improvements of water systems, requires:

Any water utility, before commencing construction of a new water system or a major addition to or alteration of an existing water system, shall file with the commission, in accordance with the commission's rules, plans and specifications for the construction, additions or alteration in order to obtain the advice of the commission as to cost, method of financing and adherence to proper engineering standards.

Chapter 63, of the Commission's rules defines major construction projects as any new water system or any addition or alteration of an existing water system that is estimated to cost in excess of 5% of the utility's fixed capital investment or \$1,000,000, whichever is smaller. The costs of these projects exceed 5% of the District's fixed capital investment. Therefore, the District must file its plans and specifications for construction with the Commission.

Pursuant to an Amended Delegation Order dated January 9, 1996, in Docket No. 93-169, the Commission delegated to the Director of Finance its authority under 35-A M.R.S.A., Chapter 9, and 11, to approve water utility financing applications, including those that involve mortgaging utility property, for Maine Municipal Bond Bank, Rural Economic & Community Development Administration and their successors. This delegation in no way limits the Commission's authority to review the decision of the Director of Finance pursuant thereto or to directly consider requests for variations. The Director of Finance's approval shall be in the form of an Order, copies of which shall be maintained in the files of the office of the Administrative Director.

Having reviewed the application of the District, together with data filed in support of it, it is the opinion of the Commission that the proceeds of the issuance of the bonds are required in good faith for the purposes enumerated in 35-A M.R.S.A. § 901. In approving this securities issue, consistent with normal practice and pursuant to §902 (4), the Commission does not imply approval of the District's capital needs or capitalization ratio for ratemaking purposes, nor does this Order limit or restrict the powers of the Commission in determining or fixing any rate.

Accordingly, pursuant to the Amended Delegation Order dated January 9, 1996, in Docket No. 93-169, I

O R D E R

1. That the Brunswick & Topsham Water District is hereby authorized to issue its bonds in sums not to exceed \$1,832,600 and \$125,000 to be used solely for the purposes described in this Order, and at rates not to exceed 7.5 and 5 percent per year, respectively, through the Maine Municipal Bond Bank for terms not to exceed 20 years for each bond.
2. That the District file its construction plans and specifications with the Commission in accordance with Chapter 63 of its rules, because the project's estimated cost exceeds 5% of the District's fixed capital investment.
3. That the District report to the Commission, in writing its doings pursuant to this Order within sixty (60) days of the date of the issue of the proposed bond, or December 1, 2004, whichever may come first.
4. That a copy of this Order be mailed to interested parties and this Docket be closed.

Dated at Augusta, Maine, this 3rd day of August, 2004.

BY ORDER OF THE DIRECTOR OF FINANCE

Richard Kania

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.